

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Mark B. Olson
Serial No. : 09/737,810⁹
Filed on : 12/15/00
For : Ceiling Mounted Air Filter
Examiner : Jiping Lu
Group : 3749

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner of
Patents and Trademarks
Washington DC 20231

Sir:

If any additional charges or fees must be paid in connection with this communication, they may be paid out of our deposit account No. 06-0775.

In response to the Office action dated December 18, 2001, applicant makes the following elections and arguments.

In order to respond to the restriction requirement above, applicant provisionally elects Group I, the group of claims 1-17, with traverse. While the Examiner has stated that inventions of Groups I and II are related as combination and subcombination, and has stated that claims 1, 13, 17 do not require a box-like structure with a circular inlet, it should be noted that claims 11 and 15 do include such limitations, and the subject matter will have to be searched with the subject matter of Group I, whether or not the claims of Group II are included. Applicant submits that the subject matter is common to both certain claims

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of Group I and the claims of Group II, and leaving off the claims of Group II would not lessen the amount of searching required.

Reconsideration and withdrawal of the restriction requirement is respectfully requested.

With respect to the species restriction, applicant provisionally elects the species of Fig. 7 with traverse.

With applicant having picked the species of Fig. 7, applicant notes that this species includes a return, ducting, blowers and supplies wherein filters may be positioned in either the return or the supply. Applicant submits that the following claims read on the species of Fig. 7: Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17.

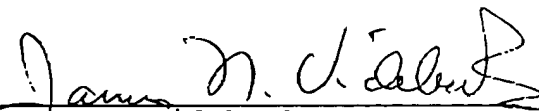
Applicant submits that the figures of the different species including 5, 6, 7, 8, 9 and 10 disclosing differing numbers and arrangements of the modular products making up the applicant's invention. However, the claims are not limited to those specific numbers. Therefore, all of the claims 1-17 read on each of the various species of Figs. 5, 6, 7, 8, 9 and 10. For this reason, reconsideration and withdrawal of the species election is respectfully requested.

With this amendment it is believed that all grounds for restriction into groups of claims and species have been overcome, and that this application is now in condition for search and

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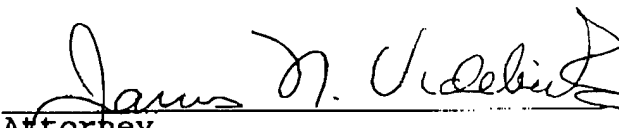
examination of all of the claims therein. Such action is respectfully requested.

Respectfully submitted,

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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being sent via telefax to Commissioner of Patents and Trademarks, Washington DC 20231, fax number 703-308-7764 on January 17, 2002.


Attorney

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